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April 19, 2004

Deborah Taylor Tate, Chairman
Tennessee Regulatory Authority
460 James Robertson Pkwy
Nashville, TN 37243-0505

Via Hand Delivery

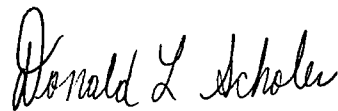
Re Petition of On-Site Systems, Inc To Amend Its Certificate of Convenience and
Necessity
Docket No 03-00329

Dear Chairman Tate

I have enclosed the original and fourteen copies of the Objection of On-Site Systems, Inc to
Petition for Reconsideration, Intervention and/or For a Declaratory Order of East Sevier County
Utility District in this matter Please return the extra copy of the Objection to me stamped filed.

This Petition is on the Conference Agenda for Monday, April 26, 2004 Thank you for your
assistance in this matter

Sincerely yours,



DONALD L. SCHOLES

Enclosures

c Charles Pickney, Jr
Mark Jendrek

BKSJ File No 04-189

**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:)	
)	
PETITION OF ON-SITE SYSTEMS, INC. TO)	Docket No. 03-00329
AMEND ITS CERTIFICATE OF)	
CONVENIENCE AND NECESSITY)	

**OBJECTION OF ON-SITE SYSTEMS, INC. TO PETITION FOR
RECONSIDERATION, INTERVENTION AND/OR FOR A DECLARATORY ORDER
OF EAST SEVIER COUNTY UTILITY DISTRICT**

Comes now On-Site Systems, Inc. (now Tennessee Wastewater Systems, Inc.)(the Company) and objects to the Petition for Reconsideration, Intervention and/or for a Declaratory Order filed by East Sevier County Utility District (the District). The District's Petition should be dismissed because the District has no standing to file the Petition for Reconsideration, Intervention and/or for a Declaratory Order.

The Petition for Reconsideration should be dismissed because the District is not a party in this case.

The reconsideration of the Authority's March 24, 2004 Order issued in this case is governed by T.C.A. § 4-5-317. Subsection (a) of T.C.A. § 4-5-317 states: "Any *party*, within fifteen (15) days after entry of an initial or final order, may file a petition for reconsideration, stating the specific grounds upon which relief is requested." A Petition for Reconsideration can only be filed by a "party" to a contested case. East Sevier County Utility District is not a party to this case; therefore, the District has no standing to file a Petition for Reconsideration of the Authority's Final Order in this docket. The Authority should deny the Petition for Reconsideration, Intervention and/or for a Declaratory Order.

The Petition for Intervention should be dismissed because the Petition for Intervention has not been timely filed.

Pursuant to T.C.A. § 4-5-310(a)(1), a Petition to Intervene in a contested case must be filed at least seven days before the hearing. The hearing in this case was held on October 21, 2003. The District's Petition for Reconsideration, Intervention and/or for a Declaratory Order was filed with the Authority on April 7, 2004. Therefore to the extent the District's Petition is considered a Petition to Intervene in this docket, such Petition to Intervene has not been timely filed. The Petition to Intervene should be denied.

Because the District's boundaries do not include the geographic area within the scope of the Company's Petition for Certificate Public Convenience and Necessity, the District has no standing to file its Petition in this docket.

The Company's Petition in this docket excludes the area currently served by the District. The Company's Petition does not seek authority to provide sewer service within the District's boundaries.

When a utility district desires to be the exclusive provider of utility service in a geographic area outside of its boundaries, the utility district may petition the county mayor which originally created the utility district to extend its boundaries in accordance with the provisions of T.C.A. § 7-82-202. East Sevier County Utility District has never filed a petition to extend its boundaries to serve the area within the territory sought by the Company in its Petition in this docket.

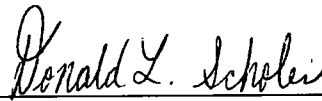
Because the District has never sought to have the area the Company requested in its Petition in this docket included within the District's boundaries, the District has no standing to intervene or ask for a declaratory order in this matter. While the District may have the power to

provide service outside of its boundaries, the District should not be permitted to object to the grant of certificate to the Company by this Authority when the District has never sought to include such area within its own boundaries.

Therefore, the Company requests that the Petition be denied.

Dated this 19th day of April, 2004.

Respectfully submitted,



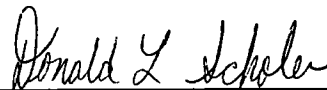
DONALD L. SCHOLES, # 10102
Branstetter, Kilgore, Stranch & Jennings
227 Second Avenue North, 4th Floor
Nashville, Tennessee 37201-1631
(615) 254-8801 - Telephone
Attorney for Tennessee Wastewater Systems, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above and foregoing has been served upon the following persons via facsimile and U.S. Mail, postage prepaid, with proper postage thereon:

Mark Jendrek, Esq.
Mark Jendrek P.C.
Post Office Box 549
Knoxville, TN 37901

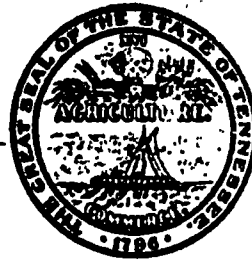
This the 19th day of April, 2004.



DONALD L. SCHOLES

63-5-0328

State of Tennessee



Department of State

I, JOE C. CARR, Secretary of State of the State of Tennessee, do hereby certify that the annexed is a true and correct copy of the Order extending the EAST SEVIER COUNTY UTILITY DISTRICT OF SEVIER COUNTY, TENNESSEE which was duly recorded in this office on 6th day of March, 1974 in Utility District Corporation Record Book Volume 1.

EXHIBIT

1

STATE OF TENNESSEE

COUNTY OF SEVIER

June _____, 1973

IN THE COUNTY COURT OF SEVIER COUNTY,
TENNESSEE,

CORRECTED DECREE

IN RE: EAST SEVIER COUNTY UTILITY
DISTRICT OF SEVIER COUNTY, TENNESSEE

This cause came on to be heard on this the 18th day of May, 1973, having been and continued from May 17, 1973, by the Court, before the Honorable Ray L. Reagan, County Judge of Sevier County, Tennessee, upon the petition hereinabove filed in connection with the incorporation of a utility district under the provisions of 1937 Public Acts of Tennessee, as amended, known as "The Utility District Act of 1937" as amended and set forth in Tennessee Code Annotated Sections 6-2601--6-2636. Upon evidence duly given it is found, ordered, adjudged and decreed by this Court as follows:

1. That the petition filed on April 27, 1973, with this Court requesting the incorporation of a utility district to be designated as "The East Sevier County Utility District of Sevier County, Tennessee", conforms to all of the requirements of the Utility District Act of 1937, as amended, and set forth in Tennessee Code Annotated Section 6-2601--6-2636, both as to form and content and is signed by the requisite number of the owners of real property who reside within the boundaries of said proposed district, and that the sworn statement by the person who circulated said petition accompanying same conforms to all of the requirements of said law; and

2. That notice of the time, place and purpose of this public hearing upon the convenience and necessity of the incorporation of said district has been given in conformity with the Utility District Act of 1937, as amended, as set forth in Tennessee Code Annotated Sections 6-2601--6-2636, by publication of a notice not more than fifteen days nor less than ~~ten~~ days prior to the date of said hearing, such notice having been published on May 3 and May 10, 1973, in the Sevier County News Record, a newspaper of general circulation in the proposed district, and

3. That a hearing has been held by this Court pursuant to the notice hereinbefore mentioned, and from the evidence presented this Court finds:

- (a) That the public conveniences and necessity requires the creation of East Sevier County Utility District of Sevier County, Tennessee; and
- (b) That the creation of said district is economically sound and desirable; and

4. That the prayer in said petition shall be and is granted and the creation of the East Sevier County Utility District of Sevier County, Tennessee, with all rights granted in Tennessee Code Annotated Sections 6-2601--6-2636, is hereby approved and consummated, and the territorial limits of said district so created shall be in accordance with Exhibit "A" hereto attached.

5. That the persons nominated in said petition for Commissioners of said proposed utility district, namely; Robert B. Smith, III, Clint Huff and Jim Bush are hereby appointed as Commissioners for said utility district with terms of office beginning on the date of the entry of this decree and extending as follows:

Robert B. Smith, III - for a term of four years from and after his appointment,

Clint Huff - for a term of three years from and after his appointment, and

Jim Bush - for a term of two years from and after his appointment, and

6. That a certified copy of this Order and Corrected Decree shall be filed with the Clerk of this Court as provided by law; and

7. That all of the cost incident to this cause shall be borne by the persons filing said petition for which execution may issue.

ENTERED, this the 7 day of June, 1973.

Ray L. Reagan
Ray L. Reagan, County Judge
Sevier County, Tennessee

John B. ...

STATE OF TENNESSEE
COUNTY OF SEVIER

I, Paul Atchley Clerk of the County Court of said County, do hereby certify that the foregoing is a True & Perfect copy of the corrected decree in Re: East Sevier County Utility District of Sevier County, Tennessee.

as the same appears of record in my office.
Witness my hand and Official Seal in Sevierville, this 15th day of June 1973.

Paul Atchley Clerk